

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6542

BILL NUMBER: SB 190

NOTE PREPARED: Feb 23, 2012

BILL AMENDED: Feb 23, 2012

SUBJECT: Denial of Parental Rights to Rapists.

FIRST AUTHOR: Sen. Charbonneau

FIRST SPONSOR: Rep. Kubacki

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Prohibits a person who is convicted of rape and is the natural father of a child from having a right to custody, visitation or parenting time with the child unless the natural mother or legal guardian consents to the person having custody, visitation or parenting time and the court determines it is in the best interests of the child.
- (2) Provides an exception if the person convicted of rape is the spouse of the victim at the time of the rape.
- (3) Provides that if the natural mother and natural father later divorce, the conviction of rape creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the rape is not in the best interests of the child.
- (4) Requires the Legislative Council to assign the Child Custody and Support Advisory Committee the task of reviewing and studying the issue of the denial of parenting rights to rapists.

Effective Date: July 1, 2012.

Explanation of State Expenditures: (Revised) The bill requires the Legislative Council to assign the Child Custody and Support Advisory Committee to study the topic of children who are conceived by an act of rape and the person convicted of the rape is the natural father of the child. This study requirement is expected to result in no fiscal impact, assuming no additional meetings of the committee will be required.

Explanation of State Revenues: (Revised) This bill may increase court caseload to hear matters related to child custody, visitation, and parenting time in cases where a child was conceived as a result of rape. To the

extent court caseload increases as a result of this bill, additional revenue from civil court fees is expected.

If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Probate and juvenile courts.

Information Sources: Leslie Rogers, Division of State Court Administration.

Fiscal Analyst: Bill Brumbach, 232-9559.